

REMARKS

This is a response to the Final Rejection dated June 4, 2008, (hereinafter the “Final Rejection”). Claim 1 has been amended to specify that the radiation injury is selected from radiation dermatitis, vomiting, bone marrow damage and intestinal damage. Claims 1-5, 7, 9-20 and 38-46 are currently pending in the present application.

Basis for the amendment to claim 1 is found, for example, at page 1, line 13 and page 3, lines 1-5 of the application as originally filed. In addition, in the Final Rejection and the previous Office Action, the Examiner confirmed that treatment of these injuries is enabled by the present specification. No new matter has been added.

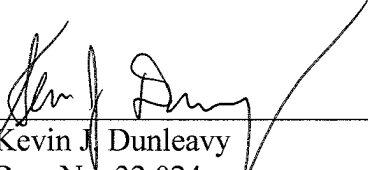
The Examiner’s indication that the outstanding rejections under 35 U.S.C. §112, first and second paragraphs, with regard to the metabolites of the vitamin D compositions, have been withdrawn is acknowledged with appreciation.

The Examiner’s indication that claims 43-46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims is also acknowledged with appreciation.

Claims 1-5, 7, 9-20 and 38-41 have been rejected under 35 U.S.C. §112, first paragraph, as lacking enablement for the treatment of instant incineration or other radiation injury such as pulmonary complications or proctitis. Although the applicant does not concede the correctness of this rejection, the applicant has decided to amend claims 1-5, 7, 9-20 and 38-41 to limit these claims to the allowable subject matter for the sole purpose of expediting the allowance of this application. Accordingly, claim 1 has been amended to limit this claim to the treatment of radiation dermatitis, vomiting, bone marrow damage and intestinal damage, consistent with allowable claims 43-46 in order to place this application in condition for immediate allowance. All of claims 2-5, 7, 9-20, 38-41 and 43-46 depend from claim 1 and thus are considered to be allowable for the same reasons as claim 1.

The applicant has made an earnest effort to place the present application in condition for allowance. Favorable consideration and issuance of a Notice of Allowance is requested.

Respectfully submitted,



Kevin J. Dunleavy
Reg. No. 32,024

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KNOBLE YOSHIDA & DUNLEAVY, LLC
Customer No. 21,302
Eight Penn Center, Suite 1350
1628 John F. Kennedy, Jr. Blvd.
Philadelphia, PA 19103
Phone: (215) 599-0600
Fax: (215) 599-0601